

35-11-406 amendments

Strike subsection (k) which reads:

(k) Any interested person has the right to file written objections to the application with the administrator within thirty (30) days after the last publication of the above notice. For surface coal mining operations, the director may hold an informal conference if requested and take action on the application in accordance with the department's rules of practice and procedure, with the right of appeal to the council which shall be heard and tried de novo. A conference shall be held if the director determines that the nature of the complaint or the position of the complainants indicates that an attempt to informally resolve the disputes is preferable to a contested case proceeding. An informal conference or a public hearing shall be held within twenty (20) days after the final date for filing objections unless a different period is stipulated to by the parties. The council or director shall publish notice of the time, date, and location of the hearing or conference in a newspaper of general circulation in the locality of the proposed operation once a week for two (2) consecutive weeks immediately prior to the hearing or conference. The hearing shall be conducted as a contested case in accordance with the Wyoming Administrative Procedure Act, and right of judicial review shall be afforded as provided in that act.

Strike subsection (m)(x) which reads:

(m)(x) If written objections are filed by an interested person under subsection (g) of this section;

Replace subsection (p) with the following:

(p) Any interested person has the right to file written objections to the application with the director within thirty (30) days after the last publication of the notice required in subsection (j) above. Such objections shall immediately be transmitted to the applicant by the director and shall be made available to the public. If written objections are filed, and an informal conference requested, the director shall hold an informal conference in the locality of the proposed mining within thirty (30) days of the receipt of such objections. The date, time and location of the informal conference shall be advertised by the administrator in a newspaper of general circulation in the locality at least one week prior to the scheduled conference date. Within thirty (30) days of an informal conference the director shall render a decision on the application and provide the applicant the persons who were parties to the informal conference with written findings stating the reasons for the decision. If no informal conference is requested, the director shall render a decision on the application within thirty (30) days after completion of the notice period. The applicant or any person who was party to the informal conference may appeal the decision to the council pursuant to W.S. 35-11-112(a)(iv).

Subsection (p) currently reads:

(p) The director shall render a decision on the application within thirty (30) days after completion of the notice period if no informal conference or hearing is requested. If an

informal conference is held, all parties to the conference shall be furnished with a copy of the final written decision of the director issuing or denying the permit within sixty (60) days of the conference. If a hearing is held, the council shall issue findings of fact and a decision on the application within sixty (60) days after the final hearing. The director shall issue or deny the permit no later than fifteen (15) days from receipt of any findings of fact and decision of the environmental quality council.